

PATENT AND TRADE
MARKS

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PATENT
Docket: 1094-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
U.S. PATENT AND TRADEMARK OFFICE

Applicants: KARRS et al. Group Art Unit: 1764
Serial No.: 09/973,401 Examiner: Duong, Thanh P.
Filed: October 9, 2001 Dated: May 11, 2006
For: **MODULAR SYSTEM AND METHOD FOR THE
CATALYTIC TREATMENT OF A GAS STREAM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**ATTENTION: REFUND SECTION,
ACCOUNTING DIVISION,
OFFICE OF FINANCE**

REQUEST FOR REFUND
(Improper Charge of Deposit Account)

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account No. 04-1121 shown on the statement dated February 28, 2006 for the above-identified application.

A copy of the monthly statement in which the error referred to occurs
accompanies this request.

CERTIFICATION UNDER 37 C.F.R. §1.8 (a)

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Refund Section, Accounting Division, Office of Finance, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 11, 2006


Adrian T. Calderone

THIS PAGE IS COPIED

REQUEST FOR REFUND

Applicants: KARRS et al.
Serial No.: 09/973,401
Filed: October 9, 2001

Docket: 1094-12
Group Art Unit: 1764
Examiner: Duong, Thanh P.
Dated: May 11, 2006

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	<u>AMOUNT OF REFUND REQUESTED</u>
— filing fee	_____
— surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e)) and/or	_____
— surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e))	_____
— extension of term	_____
— first month	_____
— second month	_____
— third month	_____
— fourth month	_____
— excess claims	_____
— issue fee	_____
— petition fee	_____
— patent maintenance fee	_____
— first maintenance fee	_____
— second maintenance fee	_____
— third maintenance fee	_____
— patent maintenance fee surcharge	_____
<u>X</u> other <u>Improper additional charge for Extension of Time</u>	<u>330.00</u>

TOTAL REFUND REQUESTED \$ 330.00

REQUEST FOR REFUND
Applicants: KARRS et al.
Serial No.: 09/973,401
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III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

Refund is requested for the following reason.

Applicants filed a Notice of Appeal and Pre-Appeal Brief Request for Review on September 28, 2005. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed to Applicants on November 23, 2005. (Copy enclosed.) Pursuant to said Notice the time period for filing the Appeal Brief was reset to one month from the mailing date of the decisions or the balance of the two-month time period running from the receipt of the Notice of Appeal, whichever is greater, the time period being extendable under 37 C.F.R. 1.136.

Accordingly, the due date for making the Appeal Brief was reset to December 23, 2005.

Applicants filed the Appeal Brief on January 23, 2006 with certificate of mailing and with a Petition for Extension of Time for one month with requisite fee of \$120.00. (See copy of Transmittal of Appellant's Brief.)

The monthly Statement of Account, dated 2-28-2006 (copy enclosed) indicates a charge to the deposit account in this case for \$330.00, the balance between the fee for one month extension of time and a two month extension of time.

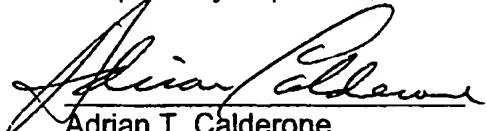
Applicants respectfully submit that the charge of \$330.00 is improper since only a one month extension of time was due.

Refund of the \$330.00 is respectfully requested.

IV. MANNER OF REFUND

Please make refund by crediting Deposit Account No. 04-1121.

Respectfully requested,

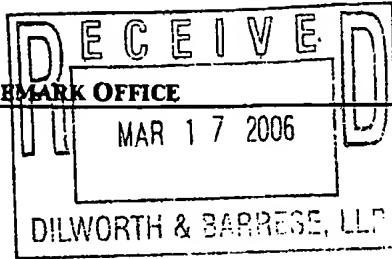

Adrian T. Calderone
Reg. No. 31,746

May 11, 2006

DILWORTH & BARRESE
333 Earle Ovington Boulevard
Uniondale, NY 11553
(516) 228-8484



UNITED STATES PATENT AND TRADEMARK OFFICE



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MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

DILWORTH & BARRESE
HELENE HARRISON
333 EARLE OVINGTON BLVD
UNIONDALE NY 11553

FINA

Account No.
041121
Date
2-28-06
Page
1

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DATE POSTED MO. DAY YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEES CODE	CHARGES/ CREDITS	BALANCE
2 1 06	10	10823332	298-230	1202	50.00	4985.45
2 2 06	1	09973401	1094-12	1252	330.00	4655.45
2 6 06	202	6402941	1394-3	2551	450.00	4205.45
2 6 06	203	6402941	1394-3	2554	65.00	4140.45
2 7 06	126	1957441	373-46	7205	200.00	3940.45
2 7 06	127	1957441	373-46	7201	800.00	3140.45
2 7 06	221	1354803	1321-153	7205	100.00	3040.45
2 7 06	222	1354803	1321-153	7201	400.00	2640.45
2 7 06	223	1354803	1321-153	7206	100.00	2540.45
2 7 06	224	1354803	1321-153	7203	100.00	2440.45
2 8 06	4	78336758	1280-2	6004	150.00	2290.45
2 8 06	344	78809121	1351-3 US-1	7007	275.00	2015.45
2 8 06	372	78809137	1351-3 US-2	7007	275.00	1740.45
2 8 06	484	78809172	1351-4	7007	275.00	1465.45
2 9 06	1	10503782	1181-2 PCT US	1806	180.00	1285.45
2 9 06	2	10503782	1181-2 PCT US	2203	180.00	1105.45
2 10 06	343	10772904	1278-5	8021	40.00	1065.45
2 15 06	1446	78815095	1380-3	7007	275.00	790.45
2 16 06	6	10534143	9204		-100.00	890.45
2 17 06	2074	78234580	1216-2	7004	150.00	740.45
2 21 06	8	PAYMENT	9203		-5000.00	5740.45
2 21 06	407	6435718	204-111 PCT US	1551	900.00	4840.45
2 21 06	2933	2327815	1358-2	7205	100.00	4740.45
2 21 06	2934	2327815	1358-2	7208	200.00	4540.45
2 22 06	63	11324701	678-2321 (P13610)	1202	50.00	4490.45
2 22 06	281	78819773	1358-2 US-2	7001	325.00	4165.45
2 22 06	346	78819793	1358-2 US-3	7001	325.00	3840.45
2 22 06	385	78819829	1358-2 US-4	7001	325.00	3515.45
2 24 06	99	10116194	881-4	1202	75.00	3440.45
2 24 06	896	78339541	1244-3	7004	300.00	3140.45
2 24 06	1312	78822459	1350-7	7001	325.00	2815.45
2 27 06	2009	76384393	1109-2	7004	150.00	2665.45
2 27 06	2324	78439059	692-42	7004	150.00	2515.45
2 28 06	20	78824145	1206-7 US-1	7001	325.00	2190.45
2 28 06	38	SERVICE CHARGE	9202		25.00	2165.45
2 28 06	122	78824191	1206-7 US-2	7001	325.00	1840.45

AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT	OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
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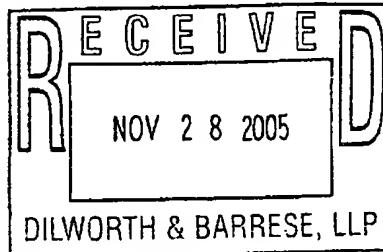


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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,401	10/09/2001	Mark Karrs	1094-12	6080

28249 7590 11/23/2005
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553



EXAMINER
DUONG, THANH P

ART UNIT	PAPER NUMBER
1764	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application Number: 	Application/Control No. 09/973,401	App't(s)/Patent under Reexamination KARRS ET AL. Art Unit 1762
	Timothy H. Meeks	
Document Code - AP.PRE.DEC		

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 10/17/05.

1. **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- The request does not include reasons why a review is appropriate.
- A proposed amendment is included with the Pre-Appeal Brief request.
- Other: _____

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-38 and 50-57.

Claim(s) withdrawn from consideration: _____

3. **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Timothy H. Meeks *T. Meeks*

(2) Tom Duong *T. Duong*

(3) Glenn Calderola *G. C.*

(4) _____

PATENT
Attorney Docket: 1094-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT(S): Karrs et al.

GROUP: 1764

SERIAL NO.: 09/973,401

EXAMINER: Thanh P. Duong

FILED: October 9, 2001

FOR: MODULAR SYSTEM AND METHOD FOR THE
CATALYTIC TREATMENT OF A GAS STREAM

Dated: January 23, 2006

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPELLANTS' BRIEF

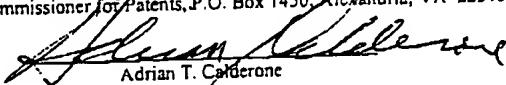
Sir:

This Brief is being submitted in triplicate pursuant to 37 C.F.R. § 1.192. The Notice of Appeal was mailed on September 28, 2005.

CERTIFICATE OF MAILING UNDER 37 C.F.R. '1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope addressed to the: Mail Stop: Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

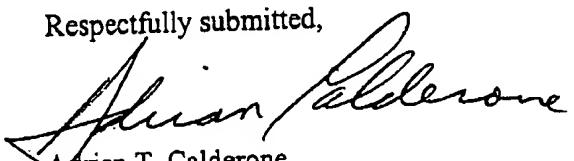
Dated: January 23, 2006


Adrian T. Calderone

Enclosed is a check in the sum of \$500 for filing a brief in support of an appeal.

Please charge any additional fee(s) under 37 C.F.R. § 1.17(f) or credit any overpayment to Deposit Account No. 04-1121. Also in the event that any extensions of time are required, please treat this paper as a petition to extend the time as required and charge Deposit Account No. 04-1121. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

Respectfully submitted,



Adrian T. Calderone
Reg. No. 31,746
Attorney for Applicant(s)

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 228-8484

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